

NEIMAN GINSBURG & MAIRANZ P.C.

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November 21, 2005

By Federal Express

Hon. Robert M. Levy

United States Magistrate Judge  
United States Courthouse  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

MOVANT'S COUNSEL IS DIRECTED  
TO SERVE A COPY OF THIS ORDER  
ON ALL PARTIES UPON RECEIPT

A Telephone Conference  
has been scheduled for  
December 12, 2005 @ 1:00 pm  
AT (718) 260-2340.

SO ORDERED.

Re: *Gutman et al. v. Klein et al.*, Docket No. Civ. 03-1570 (JG)(RML)

Dear Judge Levy:

s/Robert Levy  
11/29/05 U.S. Magistrate J.G.

As the Court is aware, in the process of disengaging from our representation of Messrs. Gutman and Singer and their entities and affiliates, Your Honor entered an Order setting the determination of our legal fees to a three part process; attempts at settlement and mediation respectively and, if not resolved thereby, a trial before the Court.

As the Court is aware we were not successful in settlement and at our request the Court Ordered the matter to mediation. We are herewith informing the Court that mediation, too, was unsuccessful and that we are requesting of the Court that we would like to proceed with the Ordered trial of the matter.

We, therefore, request that the Court advise us as to how the Court desires that the parties proceed at this point.

Your Honor's courtesy and attention to this matter are greatly appreciated.

Respectfully yours,

NEIMAN GINSBURG & MAIRANZ, P.C.

  
Marvin Neiman

MN:kl

**NEIMAN GINSBURG & MAIRANZ P.C.**

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cc: Darren Oved, Esq. (By Fax)  
Aryeh Gutman (By Fax)  
Abraham Singer (By Fax)